

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1759.01
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: May 24, 2001
DATE OF REPORT: June 19, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: July 11, 2001

COMPLAINT ISSUES:

Whether the Paoli Community School Corporation and the South Central Area Special Education Cooperative violated:

-511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the Student's individualized education program (IEP) specifically, failing to provide a seat belt for the student on the bus.

FINDINGS OF FACT:

1. The student (Student) is 6 years old, is in first grade, and is eligible for special education and related services as a student with a mild mental disability and a communication disability.
2. The CCC Report/IEP dated May 17, 2000, documents that the School was to install a seat belt in the Student's school bus for the 2000-2001 school year. A Special Transportation Form dated May 17, 2000, states that the Student will need a seat belt in order to ride the school bus. The CCC Report/IEP dated October 13, 2000, states that transportation needs will continue as specified in the May 17, 2000, CCC Report/IEP. A copy of the Special Transportation Form dated May 17, 2001, was also attached.
3. The Transportation Supervisor ordered a rated seat for the Student's school bus so a seat belt could be installed. Before the School received the rated seat, the company who was to provide the rated seat went out of business. After talking to the Student's bus driver, the Assistant Director learned that the Student was doing fine on the school bus though he was not riding the school bus on a regular basis. The Assistant Superintendent's letter dated May 30, 2001, indicated that no other attempts were made to purchase a rated seat for the Student's school bus.
4. The Complainant stated there were complaints from the Student's bus driver concerning the Student's behavior on the bus. Two days before the end of the school year, a substitute bus driver suspended the Student for one day for not staying in his seat. The Student's Father called the Assistant Superintendent and was informed that a seat belt would be installed on the Student's school bus for the 2001-2002 school year.

CONCLUSION:

Findings of Fact #2 through #4 indicate that the school failed to provide a seat belt on the Student's bus in

accordance with the May 2000 IEP. Therefore, a violation of 511 IAC 7-27-7(a) occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Paoli Community School Corporation and the South Central Area Special Education Cooperative shall install seatbelts on the buses that will transport the Student during the 2001-2002 school year. The Assistant Superintendent reported that the Student will be riding on two different buses for the 2001-2002 school year. **After installing the seat belts, the School shall submit a letter of assurance to the Division and the parents that the seatbelts have been installed for the Student's use. The letter of assurance shall be submitted to the Division and the parents no later than August 1, 2001.**

DATE REPORT COMPLETED: June 19, 2001